

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

Michael K. Brown (SBN 104252)
Email: mkbrown@reedsmith.com
Reed Smith LLP
355 South Grand Avenue
Suite 2900
Los Angeles, CA 90071-1514
Telephone: +1 213 457 8000
Facsimile: +1 213 457 8080

Sonja S. Weissman (SBN 154320)
Email: sweissman@reedsmith.com
Steven J. Boranian (SBN 174183)
Email: sboranian@reedsmith.com
Reed Smith LLP
101 Second Street
Suite 1800
San Francisco, CA 94105-3659
Telephone: +1 415 543 8700
Facsimile: +1 415 391 8269

Attorneys for Defendants
GlaxoSmithKline LLC (formerly known as
SmithKline Beecham Corporation d/b/a
GlaxoSmithKline) and McKesson Corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RENETTA BARNES, Individually and as
Successor-in-interest on behalf of the Estate of
CLARA BURRELL-HARVELL, Deceased, et al.,

Plaintiffs,

vs.

McKESSON CORPORATION, a corporation,
SMITHKLINE BEECHAM CORPORATION
d/b/a GLAXOSMITHKLINE, and DOES
ELEVEN through FIFTY, Inclusive,

Defendants,

vs.

DOES FIFTY-ONE through ONE HUNDRED,
Inclusive,

Nominal Defendants for
Wrongful Death Actions

Case No. 3:13-cv-03047-SI

**JOINT STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR
DEFENDANTS TO ANSWER
COMPLAINT**

Honorable Susan Illston

JOINT STIPULATION AND [PROPOSED] ORDER

Plaintiffs in this action, Defendant GlaxoSmithKline LLC, (f/k/a SmithKline Beecham Corporation d/b/a GlaxoSmithKline) (“GSK”) and Defendant McKesson Corporation (“McKesson”), hereby submit, through their undersigned counsel of record, the following Stipulation and accompanying [Proposed] Order.

WHEREAS, Pursuant to Federal Rule of Civil Procedure 81(c)(2), Defendants GSK, and McKesson (collectively, “Defendants”) have not yet answered the Plaintiffs’ Complaint prior to removal of this case from San Francisco Superior Court on July 2, 2013. Defendants have 21 days after “receiving--through service or otherwise--a copy of the initial pleading stating the claim for relief” and therefore have 21 days to Answer Plaintiffs’ Complaint. McKesson has not been served with Plaintiffs’ Complaint. GSK has also not been served with Plaintiffs’ Complaint. GSK filed a Motion to Stay on July 10, 2013. Plaintiffs filed a Motion to Remand on July 12, 2013. (*See* Declaration of Steven J. Boranian (“Borianian Decl.”) in Support of Joint Stipulation Extending Defendants’ time to Answer Complaint ¶ 7)

WHEREAS, the parties, having met and conferred, pursuant to Civil L.R 6-3, jointly stipulate to and respectfully request that this Court extend the time for Defendants to Answer the Complaint until 30 days after entry of an order on Plaintiffs’ Motion to Remand. (*See* Borianian Decl. ¶ 8)

WHEREAS, the parties agree that good cause exists for the requested extension of time in order to serve the interests of judicial economy, efficiency, and fairness. This action will either be remanded to the Superior Court of San Francisco or transferred to the Avandia MDL. Therefore, in order to conserve the resources of the Court and the parties, all parties agree that Defendants’ Answers should ultimately be filed should ultimately be filed in the San Francisco Superior Court or in the Avandia MDL. (*See* Borianian Decl. ¶ 9)

WHEREAS, no party to this case has previously requested any time modifications in this action. (*See* Borianian Decl. ¶ 10)

By the filing of this Joint Stipulation and Proposed Order, the Plaintiffs do not concede, and

1 Defendant will not argue, that the federal courts have subject matter jurisdiction over this action
2 because of the submission of this Joint Stipulation and Proposed Order.

3 WHEREAS, the requested relief would not cause any undue hardship, delay, or prejudice to
4 either party or the Court and is warranted by the circumstances in this case. (See Boranian Decl. ¶
5 11)

6 DATED: July 17, 2013

7 REED SMITH LLP
8 Michael K. Brown
9 Sonja S. Weissman
10 Steven J. Boranian

11 By: /s/ Steven J. Boranian
12 Steven J. Boranian
13 Attorneys for Defendants
14 GlaxoSmithKline LLC (formerly known as
15 SmithKline Beecham Corporation d/b/a
16 GlaxoSmithKline) and McKesson Corporation

17 DATED: July 17, 2013

18 LAW OFFICES OF SIN-TING MARY LIU
19 Sin-Ting Mary Liu

20 By: /s/ Sin-Ting Mary Liu
21 Sin-Ting Mary Liu
22 Attorneys for Plaintiffs
23
24
25
26
27

FILER'S ATTESTATION

Pursuant to Local Rule 5-1(i)(3), the undersigned attests that all signatories have concurred in the filing of this Joint Stipulation And [Proposed] Order Extending Time for Defendants to Answer Plaintiffs' Complaint.

DATED: July 17, 2013

REED SMITH LLP
Michael K. Brown
Sonja S. Weissman
Steven J. Boranian

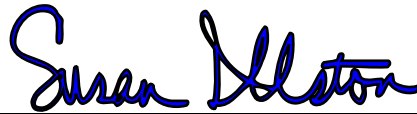
By: /s/ Steven J. Boranian
Steven J. Boranian
Attorneys for Defendants
GlaxoSmithKline LLC (formerly known as
SmithKline Beecham Corporation d/b/a
GlaxoSmithKline) and McKesson Corporation

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: 7/19/13



Honorable Susan Illston

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

Michael K. Brown (SBN 104252)
Email: mkbrown@reedsmith.com
Reed Smith LLP
355 South Grand Avenue
Suite 2900
Los Angeles, CA 90071-1514
Telephone: +1 213 457 8000
Facsimile: +1 213 457 8080

Sonja S. Weissman (SBN 154320)
Email: sweissman@reedsmith.com
Steven J. Boranian (SBN 174183)
Email: sboranian@reedsmith.com
Reed Smith LLP
101 Second Street
Suite 1800
San Francisco, CA 94105-3659
Telephone: +1 415 543 8700
Facsimile: +1 415 391 8269

Attorneys for Defendants
GlaxoSmithKline LLC (formerly known as
SmithKline Beecham Corporation d/b/a
GlaxoSmithKline) and McKesson Corporation

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

RENETTA BARNES, Individually and as
Successor-in-interest on behalf of the Estate of
CLARA BURRELL-HARVELL, Deceased, et al.,

Plaintiffs,

vs.

McKESSON CORPORATION, a corporation,
SMITHKLINE BEECHAM CORPORATION
d/b/a GLAXOSMITHKLINE, and DOES
ELEVEN through FIFTY, Inclusive,

Defendants,

vs.

DOES FIFTY-ONE through ONE HUNDRED,
Inclusive,

Nominal Defendants for
Wrongful Death Action.

Case No. 3:13-cv-03047-SI

**DECLARATION OF STEVEN J.
BORANIAN IN SUPPORT OF JOINT
STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR
DEFENDANTS TO ANSWER
COMPLAINT**

Honorable Susan Illston

Case No. 3:13-cv-03047-SI

DECLARATION OF STEVEN J. BORANIAN IN SUPPORT OF JOINT STIPULATION AND [PROPOSED] ORDER
EXTENDING TIME FOR DEFENDANTS TO ANSWER COMPLAINT

1 I, Steven J. Boranian, declare:

2 1. I am an attorney duly admitted to practice law in the State of California and a partner
3 at Reed Smith LLP, counsel for defendant GlaxoSmithKline LLC (“GSK”) and McKesson
4 Corporation (“McKesson”). I have personal knowledge of the facts set forth in this declaration and
5 for those matters for which I do not have personal knowledge, I am informed and believe they are
6 true. I could and would testify to these matters if called as a witness.

7 2. A Multidistrict Litigation (“MDL”) has been established in the Eastern District of
8 Pennsylvania entitled *In re Avandia® Marketing, Sales Practices, and Products Liability Litigation*
9 (MDL-1871), to coordinate all product liability cases involving alleged health risks from Avandia®
10 (the “Avandia® cases”).

11 3. The Avandia MDL is composed entirely of cases, like the instant case, seeking
12 damages for injuries allegedly caused by Avandia.

13 4. Over 7,800 cases have been filed in or already transferred to the MDL.

14 5. Pursuant to Rule 7.5(c) of the Rules of Procedure of the Judicial Panel on
15 Multidistrict Litigation (“R.P.J.P.M.D.L.”), GSK provided notice to the JPML of the pendency of
16 this “tag-along” action on July 3, 2013.

17 6. On July 9, 2013, the JPML issued Conditional Transfer Order (“CTO”), CTO 172,
18 conditionally transferring this case to the Avandia MDL.

19 7. Prior to GSK’s removal of this action on July 2, 2013, GSK had not been served with
20 the Complaint. Defendant McKesson has also not been served with the Complaint. GSK and
21 McKesson (collectively, “Defendants”) have not yet answered the Complaint. GSK filed a Motion
22 to Stay on July 10, 2013. Plaintiffs filed a Motion to Remand on July 12, 2013.

23 8. All parties, having met and conferred, pursuant to Civil L.R 6-3, jointly stipulate to
24 and respectfully request that this Court extend the time for Defendants to Answer the Complaint
25 until 30 days after entry of an order on Plaintiffs’ Motion to Remand.

26 9. The parties agree that good cause exists for the requested extension of time in order to
27 serve the interests of judicial economy, efficiency, and fairness. The JPML has already issued a
28 CTO in this matter, which has been timely opposed by Plaintiffs. Therefore this action will either be

1 remanded to the Superior Court of San Francisco or transferred to the Avandia MDL. Therefore, in
2 order to conserve the resources of the Court and the parties, all parties agree that the Defendants'
3 Answers should ultimately be filed in the San Francisco Superior Court or the Avandia MDL.

4 10. No party to this case has previously requested any time modifications in this action.

5 11. Therefore, because this action is unlikely to remain before this Court, the requested
6 relief would not cause any undue hardship, delay, or prejudice to either party or the Court and is
7 warranted by the circumstances in this case.

8
9 I declare under penalty of perjury under the laws of the United States that the foregoing is
10 true and correct.

11 DATED: July 17, 2013

12 /s/ Steven J. Boranian
13 Steven J. Boranian
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REED SMITH LLP
A limited liability partnership formed in the State of Delaware